

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Proposed Policies and Programs
Governing post-2003 Low-Income Assistance
Programs.

Rulemaking 04-01-006
(Filed January 8, 2004)

**ASSIGNED COMMISSIONER'S RULING
ESTABLISHING PROVISIONS FOR CARE AUTOMATIC ENROLLMENT**

Summary

This ruling establishes the conditions, as agreed upon by the Department of Community Services and Development (DCSD) and the California Public Utilities Commission (CPUC or Commission), under which DCSD customer information shall be used for automatic enrollment into the California Alternate Rate for Energy program for Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), Southern California Gas Company (SCG), and Southern California Edison Company (SCE), collectively referred to as "the utilities". This ruling also provides clarification on procedural issues regarding the bill insert, schedule of data deliverables and utility reporting, and evaluating automatic enrollment.

Background

The Commission adopted automatic enrollment in Decision (D.) 02-07-033 in Rulemaking (R.) 01-08-027 as part of the Commission's strategy to enroll all CARE-eligible households.² The decision envisioned partnerships with state

² D.02-07-033, dated July 17, 2002; Ordering Paragraph 6

agencies that administered public-purpose programs with eligibility requirements best suited for CARE automatic enrollment, with the Commission serving as the clearinghouse to identify electronic matches between partner agency and utility customer records. In addition, the utilities were required to provide utility customers with advance information about the Commission's automatic enrollment program, via bill inserts.³

With the actual implementation date unknown, I issued a ruling on August 13, 2002, delaying the release of the bill inserts. Similarly, the due date for the utilities' first monthly submittal of non-CARE customer information had to be postponed; and in a ruling dated October 9, 2002, I postponed the due date until further order, as it became evident that the clearinghouse would not be ready to receive customer data from the utilities by the due date ordered in D.02-07-033.⁴

The Interagency Agreement entered into by DCSD and the CPUC is the first major milestone towards automatic enrollment implementation. However, the automatic enrollment process I describe in this ruling is clearly not on the same scale as full-blown automatic enrollment described in D. 02-07-033. The process becomes less complex with only one partner agency since the number of records drops significantly. The process will for now be at a more manageable level thereby negating the need to hire a clearinghouse at this time as the clearinghouse was meant to function with multiple agencies with over a million

³ *Ibid.* OP 11.

⁴ *Ibid.* OP 8.

records to sort through. Although it is not certain when the negotiations with the other state agencies will be resolved, that uncertainty should not delay DCSD's low-income customers from automatically receiving the CARE discount. By the issuance of this ruling and the directives found within, the final requirement set forth in the agreement between DCSD and the CPUC is fulfilled. Energy Division is now authorized to access DCSD's client information and will immediately provide the utilities with the proper information so implementation of automatic enrollment can begin.

As Assigned Commissioner, I am responsible for prioritizing and clarifying any issues that may come up during implementation⁵. This ruling provides clarification on implementation issues such as: providing advance notice of automatic enrollment to customers; schedule of data deliverables and utility reporting; and automatic enrollment program evaluation.

Provisions Limiting The Use Of Customer Information

As part of the agreement that allows the CPUC to use DCSD client information for automatic enrollment, the Commission must insure that the confidential information is not in any way compromised. Thus, the utilities are ordered to comply with the following provisions limiting the use of DCSD's client information. The utilities acknowledge the value of the confidential information provided by the Commission, and shall:

- 1) Use the Confidential Information only for purposes directly related to the Automatic Enrollment program;

⁵ *Ibid.* OP 12.

- 2) Restrict disclosure of the Confidential Information to utility employees with a “need to know” and not disclose it to any other person or entity without the prior written consent of DCSD;
- 3) Advise utility employees who access the Confidential Information that the information is confidential and must not be disclosed other than for purposes directly related to the Automatic Enrollment Program;
- 4) Copy the Confidential Information only as necessary for purposes directly related to the Automatic Enrollment program;
- 5) If DCSD’s Confidential Information is intentionally or accidentally disclosed and/or misused, the utility shall immediately notify the Commission upon discovery of such incident.

Schedule of Data Deliverables and Reporting

DCSD will provide customer information files to the Commission on a quarterly basis. The frequency of DCSD/CPUC data transfers may be altered if both DCSD and the Commission are in agreement with the proposed changes. Each utility will receive a separate Excel workbook with a unique list of “Potential Customers” who are to be enrolled into the CARE program if they are not currently receiving the CARE discount. The files will be in Comma Separated Value format and will include data fields for the first name, last name, middle initial, address, apartment number, city, state, zip code, and utility account number.

Energy Division will provide each utility their respective workbook after the data transfer from DCSD has been confirmed a success. The interim schedule of data deliverables is found in the table below, after the discussion of the utility reporting requirements.

Ordering Paragraphs 9 and 10 of D.02-07-033 provide guidance for the reporting requirements:

The utilities shall track customers who are automatically enrolled in CARE under the program and report on the number of customers successfully matched, enrolled and recertified. As discussed in this decision, the utilities shall also submit expenditure information on automatic enrollment. The utilities shall work with Energy Division in developing an appropriate format for reporting this information, and shall include it in the monthly rapid deployment reports until further notice by the Commission or Assigned Commissioner.

...

The utilities shall file annual status reports on automatic enrollment until further notice by the Commission or Assigned Commissioner. The Energy Division shall work with the utilities to develop the format, content and filing dates for these reports.

I hereby grant the Energy Division the authority to make the final decision on the formats of the monthly and annual reports for automatic enrollment, without further action from the Commission. Starting with the Rapid Deployment Status Report that is to be filed the third week of October 2004, each utility shall report on the progress of automatic enrollment covering the period from April to September 2004.

The following is a schedule for data deliverables and utility status updates on automatic enrollment for the first year and will continue until further Commissioner order.

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Month the Following Action Is Required	CPUC Submits Data to Each Utility	Utility Submits Status Report	Utility Submits Annual Report
May 2004	X		
July 2004	X		
October 2004	X	X	
January 2005	X	X	
April 2005	X	X	X

The Utilities Shall Provide Advance Information To Customers

The utilities will mail a letter to “Potential Customers” immediately upon receiving the list of DCSD customers from the Energy Division. The letter is attached to this ruling as Attachment 1 and has been reviewed and agreed upon by DCSD and the Commission’s Public Advisor’s Office.

The utilities must allow 30 days before enrolling the customer into the CARE program. During this time, the potential customer is given the opportunity opt-out of receiving the CARE discount automatically. This does not prevent the customer from enrolling into the CARE program at a later date through the traditional application process nor does it prevent a CARE participant from removing themselves from the program after being automatically enrolled. The utilities are also reminded that CARE customers enrolled via automatic enrollment are not subject to the Post-Enrollment Verification process.

Evaluation of CARE Automatic Enrollment

As described in section three of D.03-02-070, the evaluation of the CARE program was split into two parts: the first looked to identify the best practices among the utilities for the recruitment of new participants in the CARE program and evaluate the administrative practices of the utilities; the second would evaluate the statewide clearinghouse process and startup costs for automatic enrollment, one year after implementation. It is in the public interest that we move forward with the automatic enrollment process as described in this ruling.

Unfortunately, this process will not provide the information required to be able to evaluate automatic enrollment as intended. Therefore, the evaluation of CARE automatic enrollment authorized in D. 03-02-070, including the schedule and budget, is suspended, unless further Commission order stipulates otherwise.

IT IS RULED that:

1. The utilities are ordered to comply with the following provisions limiting the use of DCSD's client information. The utilities shall acknowledge the value of the confidential information provided by the Commission, and shall:
 - 1) Use the Confidential Information only for purposes directly related to the Automatic Enrollment program;
 - 2) Restrict disclosure of the Confidential Information to utility employees with a "need to know" and not disclose it to any other person or entity without the prior written consent of DCSD;
 - 3) Advise utility employees who access the Confidential Information that the information is confidential and must not be disclosed other than for purposes directly related to the Automatic Enrollment Program;
 - 4) Copy the Confidential Information only as necessary for purposes directly related to the Automatic Enrollment program;

- 5) If DCSD's Confidential Information is intentionally or accidentally disclosed and/or misused, the utility shall immediately notify the Commission upon discovery of such incident.

2. The utilities will mail a letter to "Potential Customers" immediately upon receiving the list of DCSD customers from the Energy Division. The letter is attached to this ruling as Attachment 1 and has been reviewed and agreed upon by DCSD and the Commission's Public Advisor's Office.

3. The utilities must allow 30 days after mailing the letter before enrolling the customer into the CARE program. During this time, the potential customer is given the opportunity to opt-out of receiving the CARE discount automatically. This does not prevent the customer from enrolling into the CARE program at a later date through the traditional application process nor does it prevent a CARE participant from removing themselves from the program after being automatically enrolled.

4. CARE customers enrolled via automatic enrollment are not subject to the Post-Enrollment Verification process.

5. The utilities will receive updated customer lists from the Energy Division and will report project status according to the following schedule:

Month the Following Action Is Required	CPUC Submits Data to Each Utility	Utility Submits Status Report	Utility Submits Annual Report
May 2004	X		
July 2004	X		
October 2004	X	X	

January 2005	X	X	
April 2005	X	X	X

6. Per D. 02-07-033, the utilities will track and report on the number of enrollments and recertifications. The Energy Division is granted the authority to make the final decision on the formats of the monthly and annual reports for automatic enrollment, without further action from the Commission.

7. The evaluation of CARE automatic enrollment authorized in D. 03-02-070, including the schedule and budget, is suspended unless further Commission order stipulates otherwise.

8. All filings directed by this ruling shall be filed at the Commission's Docket Office and served on all appearances and the state service list in this proceeding via electronic mail. Service by US mail is optional. However, if there is no electronic mail address available, the electronic mail is returned to the sender, or the recipient informs the sender of an inability to open the document, the sender shall immediately arrange for alternate service (regular U.S. mail shall be the default, unless another means—such as overnight delivery—is mutually agreed upon.) The current service list for this proceeding is available on the Commission's web page, www.cpuc.ca.gov.

IT IS SO RULED.

Dated May 5, 2004, at San Francisco, California.

/s/ CARL WOOD
Carl Wood
Assigned Commissioner

ATTACHMENT 1

[INSERT DATE]

To: Residential Customers of **(Insert Utility Name Here)**

**IF YOU WANT TO LOWER YOUR MONTHLY ENERGY BILL – YOU DON'T
HAVE TO DO A THING!**

Starting with your next month's bill, you could automatically receive a discount, which you would continue to receive every month for the next two years. After two years, you will receive a letter asking if you would like to re-apply for the reduced rate.

Why would you receive a discount on your energy bill?

The California Alternate Rates for Energy program (CARE) provides discounts of at least 20% toward the electric and gas utility bills of eligible low-income households. The California Public Utilities Commission recently expanded the program to automatically apply to participants enrolled in LIHEAP, a program administered by the Department of Community Services and Development.

If you are not already receiving the CARE discount, but are enrolled in LIHEAP, you are paying more than you should on each month's utility bill!

What if you don't want to receive the CARE discount?

If you do not want the discount, simply contact your utility company and tell them, "I don't want the CARE discount," and they will take care of the rest.

If you have questions, please contact:

[INSERT – Name of utility sending the letter and appropriate toll-free number]

Department of Community Services and Development 1-866-675-6623
California Public Utilities Commission 1-800-649-7570

(End Of Attachment 1)

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached ***Assigned Commissioner's Ruling Establishing Provisions For Care Automatic Enrollment*** on all parties of record in these proceedings or their attorneys of record.

Dated May 5, 2004, at San Francisco, California.

/s/ SUSIE TOY

Susie Toy

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.